



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

DIVISION OF VICTIM SERVICES
Michigan Domestic and Sexual Violence Prevention and Treatment Board

November 25, 2020

Majority Leader Mike Shirkey
Capitol Building
S-102
Lansing, MI 48933

RE: Michigan Joint Task Force on Jail and Pretrial Incarceration Recommendations-
SB1046-1051, 1125-Sentencing, probation & case initiation

Dear Majority Leader Shirkey,

At its November 6, 2020 meeting, the Michigan Domestic and Sexual Violence Prevention and Treatment Board (the Board) reviewed Senate Bills 1046-1051, 1125 and took the following positions. To ensure that they are made aware of the Board's positions, the sponsors of this legislative package are also copied on this correspondence.

The Michigan Domestic and Sexual Violence Prevention and Treatment Board is a seven-member Governor appointed Board charged with funding sexual assault and domestic violence services for victims and providing policy recommendations on the issues of domestic violence and sexual assault. The Board is administratively housed within the Division of Victim Services in the Michigan Department of Health and Human Services (MDHHS).

It is important to note that many of the Board's previous concerns have been addressed within the committee substitutes. The Board acknowledges the progress and work done by the bills' sponsors and interested parties. The Board is also grateful for the consideration given to the impact these bills could have on victims of domestic and sexual violence.

MICHIGAN DOMESTIC AND SEXUAL VIOLENCE PREVENTION AND TREATMENT BOARD

DEBI CAIN, EXECUTIVE DIRECTOR

BOARD MEMBERS: Hon. Amy Ronayne Krause, Chair • F/Lt. Yvonne D. Brantley • Honorable Thomas Cameron

• Honorable Elizabeth Pollard Hines • Sue Snyder • Hon. Melissa Pope • Matt Wiese

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MDSVPTB Positions on SB 1046-1051, 1125

SB 1046 (S-3)- Appearance Tickets (Sen. Victory): Neutral

- The Board appreciates the expanded carveout for domestic violence crimes and the broader discretion provided to law enforcement to make arrests.

SB 1047 (S-2)- Bench Warrants (Sen. Irwin): Neutral and recommends additional language addressing witness detainer warrants

- Recommend the following language be added to S-2 Page 1, line 4: "*Except in cases in which the person is alleged to have committed an assaultive crime, an offense involving domestic violence, or A MATERIAL WITNESS UNDER MCL 767.35, a person who is wanted on a bench warrant or a warrant of arrest who voluntarily presents himself or herself to . . .*"

SB 1048 (S-2)- Misdemeanor & Felony Non-Jail presumption (Sen. Santana): Oppose

- The substitute bill changes the definition of “intermediate sanction” to delete all references to county jail. This would change the sentence available (without a departure) for those convicted of all felony offenses which fall within an intermediate sentencing guidelines range. Currently, if an offender’s guidelines fall within an intermediate sanction cell, the court has authority to sentence an offender to jail, jail with probation, probation, community service, and a number of other conditions without articulating a reason for departure. The Board talked about a carveout for domestic violence and sexual assault crimes, however that was a difficult challenge and we were not sure how that could be accomplished.

SB 1049 (S-1)- Expands HYTA Eligibility (Sen. Chang): Support

SB 1050 (S-2)- Probationary Sentence Length (Sen. MacDonald): Oppose

- The Board expressed concerns that under the current language, there is an inability to sentence an offender to 5 years’ probation at the time of sentencing and concerns related to the reduction of the maximum probation length for misdemeanor stalking from 5 years to 3 years. Stalking is a very dangerous crime as you know, and it was discussed that most times if an offender has successfully completed all terms of probation, keeping the no contact order in place for the balance of the probation term, even making it non-reporting probation, keeps victims safe.

SB 1051 (S-2)- Parole Tailoring (Sen. McBroom): Neutral and recommends language to ensure victim safety is a priority and victim input/needs in parole decisions are addressed

- Recommend the following language be added to the S-3 Page 2, line 28: "*Parole Board must consider the input of any victim and must specifically address the harm caused to the victim as well as the victim’s safety needs and other concerns including, but not limited to, any request for protective conditions and/or restitution*

SB 1125- Law Enforcement Coordinating Council (Sen. Lucido): Neutral and recommends language

- When developing course content, seek and include victim and victim advocacy input
(*Sec. 8 (2), page 3*).

Thank you for taking the Board's concerns into consideration. We look forward to continuing to work with you, bill sponsors, and other stakeholders on this package of bills. The Board plans to remain engaged with this package to ensure the safety and well-being of victims.

Please note that the position and rationale of the Board does not represent the views of the Michigan Department of Health and Human Services or any other body.

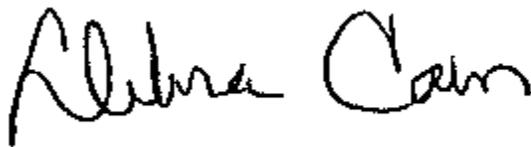
Please direct your questions to Angie Povilaitis, Staff Attorney at povilaitis1@michigan.gov or Jess Averill, Policy Analyst at averillj@michigan.gov, and also feel free to contact me directly at akrause@courts.mi.gov.

Thank you again for your consideration.

Very Truly Yours,



Amy Ronayne Krause
Chair
Michigan Domestic and Sexual Violence Prevention and Treatment Board



Debi Cain
Executive Director
Michigan Domestic and Sexual Violence Prevention and Treatment Board

CC: Senator Victory, Senator Irwin, Senator Santana, Senator Chang, Senator MacDonald, Senator McBroom, and Senator Lucido